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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,621	06/05/2002	Albrecht Goecke	449122021700	3437

25227 7590 04/19/2006

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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,621

Applicant(s)

GOECKE ET AL.

Examiner

Tuan H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 02/10/2006 have been fully considered but they are not persuasive.

In response to Applicant's remark on page 5, Applicant argues that the Kohda et al. (U.S. PUB. 2001/0011299 hereinafter, "Kohda") does not teach "the transmission device has a plurality of preconfigured transmission units, and a selection device to select one or more preconfigured transmission devices" in claim 1. Examiner respectfully disagrees with the Applicant argument. Applicant should refer to paragraph 4, pages 3 and 4, of the Office Action where as the Examiner interpreted the transmission device (see Fig. 2 item 3) has a plurality of preconfigured transmission units (see Fig. 2 items 23-26), and a selection device (see Fig. 2 item 22) to select one or more preconfigured transmission devices. Therefore, the teaching of Kohda reference still read on.

Base on the above rational, it is believed that the claimed limitations are met by the combination of Mark and Kohda and therefore, the rejection are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 6-7, 10-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark (U.S PAT. 5,825,871) in view of Kohda et al. (U.S PUB. 2001/0011299 hereinafter, "Kohda").

Regarding claim 1, Mark discloses a telecommunications terminal, comprising: a memory device (Item 108) to store user-specific data (col. 10 lines

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27-50); an input device (Item 105) having an output connected to the memory device (Item 104), to input the user-specific data into the memory device (Fig. 2 col. 8 lines 15-25); a transmission device having an input connected to the memory device, to transmit the user-specific data to another subscriber in a telecommunications network (Fig. 7 col. 36 lines 36-60), the memory device and the transmission device are configured to store at least one string of digits and to transmit the string while a connection to the other subscriber exists (col. 47 lines 47-61); and an actuation device to transfer the user-specific data from the memory device to the transmission device while the connection exists (col. 49 lines 41-57); an authentication device to protect the user-specific data against unauthorized access (col. 49 lines 41-57). Mark differs from the claimed invention in not specifically teaching the transmission device has a plurality of preconfigured transmission units each having an associated transmission method, and a selection device to select one or more preconfigured transmission devices. However, Kohda teaches the transmission device has a plurality of preconfigured transmission units each having an associated transmission method, and a selection device to select one or more preconfigured transmission devices (page 6 [103]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mark in the transmission device has a plurality of preconfigured transmission units each having an associated transmission method, and a selection device to select one or more preconfigured transmission devices, as per teaching of Kohda, because

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it enhances for identifying a desirable service to be provided to a user from a large number of provided services.

Regarding claim 2, Mark further discloses the input device comprises digit keys (col. 57 lines 36-44).

Regarding claims 3, Mark further discloses the input device comprises a microphone, and a voice memory or voice processing device is connected downstream of the microphone (col. 8 lines 26-35).

Regarding claim 6, Mark further discloses the transmission device has multifrequency transmission unit (col. 34 lines 7-16).

Regarding claim 7, Mark further discloses the transmission device has voice transmission unit (col. 37 line 63 through col. 38 line 16).

Regarding claim 10, Mark further discloses the memory device is a multi-area memory to store a plurality of strings of digits in the memory areas, which can each be accessed using the actuation device (col. 38 lines 17-22).

Regarding claim 11, Mark further discloses the transmission device has an associated encryption unit to encrypt the user-specific data before and/or during transmission (col. 56 lines 21-31).

Regarding claim 13, Kohda further discloses the transmission device is configured to transmit the user-specific data via an IP network and has a web browser (Fig. 2 page 5 [0095]).

Regarding claim 14, Kohda further discloses the input device and/or the memory device are held in a supplementary module, which is connected via an interface with data capacity, for a telephone, having a separate housing (Fig. 2 page 5 [0095]).

Regarding claim 15, Kohda further discloses the supplementary module has a digit or alphanumeric keypad or a touch screen (page 7 [0124]).

5. Claims 4-5, 8-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark (U.S PAT. 5,825,871) in view of Kohda et al. (U.S PUB. 2001/0011299 hereinafter, "Kohda") as applied to claim 1 above, and further in view of heinonen et al. (U.S PAT. 5,887,266 hereinafter, "Heinonen").

Regarding claim 4, Mark and Kohda, in combination, fails to discloses the input device and/or the actuation device have menu guidance. However, Heinonen teaches the input device and/or the actuation device have menu guidance (col. 2 lines 62-65). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Heinonen

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into view of Mark and Kohda, in order to apply a method for using applications in a mobile station, and a system for effecting payments.

Regarding claim 5, Heinonen further discloses the authentication device comprises input, comparison and storage units authenticate by password (read on secret number), PIN or biometric data (Fig. 4a step 106 col. 6 lines 24-40).

Regarding claim 8, Heinonen further discloses the transmission device has a data fax, SMS, or USSD transmission unit (col. 2 line 56 through col. 3 line 10).

Regarding claim 9, Heinonen further discloses the selection device has menu guidance (col. 4 lines 26-35).

Regarding claim 12, Heinonen further discloses the terminal is a mobile telephone (col. 1 lines 11-25).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2643


NAY MAUNG
SUPERVISORY PATENT EXAMINER